

Remarks

The Office Action mailed August 10, 2005 has been carefully considered. After such consideration, Claims 1, 11, 15, 16, 20, 21, 29, and 30 have been amended to clarify the present inventions and Claims 10 and 28 have been cancelled. As such, Claims 1-9, 11-14; 15-19; and 20-27 and 29-36 remain in the case with none of the claims being allowed.

The Examiner objected to Claims 16 and 30 for various informalities. Those informalities have been corrected.

The Examiner rejected Claim 1-10, 15, and 16 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,449,011 to Edwards *et al.* Claim 1 has been amended to include a securing means for securing the peripheral device to the adaptor. Claim 15 has also been amended to include a securing means for securing a peripheral device to the adaptor. Edwards *et al.* discloses a waist basket assembly housed in a headrest. Edwards *et al.* does not disclose a securing means such as adhesive, hook and loop fasteners, or straps as in the present invention. As such, Edwards *et al.* does not anticipate the present invention.

The Examiner had also rejected Claims 1-3, 12, 15, 18-21, 30, 35, and 36 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,712,633 issued to Lu. Claims 1, 15, and 20 have been amended. Specifically Claims 1 and 15 now include a securing means for securing the peripheral device to the adaptor. Also Claim 20 includes the securing means and specifies that the support surface is a horizontal plate for holding or supporting a peripheral device.

Lu discloses a backrest assembly wherein a television monitor is vertically mounted within a headrest. No additional securing means such as adhesives hook and loop fasteners, or straps are included. In contrast, in the present invention, the support surface is a horizontal plate. A peripheral device is placed onto the horizontal plate and held in place by a securing means.

The Examiner had also rejected Claims 12, 13, 15-17, 20-28, 30, 31, 33, and 34 under 35 U.S.C. 103(a) as being unpatentable over Edwards *et al.* in view of U.S. Patent No. 6,022,078 to Chang. The Examiner also rejected Claims 11 and 29 under U.S.C. 103(a) as being unpatentable over Edwards *et al.* in view of Chang and further in view of U.S. Patent No. 4,858,994 to Yamashita. Finally, the Examiner rejected Claims 11 and 29 as being unpatentable over Lu in view of U.S. Publication No. 2003/023455 A1 to Brooks *et al.*

As the Examiner is aware, it is the burden of the Examiner to establish a *prima facie* case of obviousness when rejecting claims under 35 U.S.C. 103 (*In re Reuter*, 651 F. 2d. 751, 210 U.S.P.Q. 249 (CCPA 1981)). In this case, the Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness.

It has been repeatedly held by the Court of Appeals for the Federal Circuit that absent some teaching, suggestion, or incentive supporting a combination of references, obviousness cannot be established by combining the teachings of the prior art (*ACS Hospital Systems, Inc. v. Montefiori Hospital*, 732 F.2d. 1572, 1577, 221 U.S.P.Q. 929, 939 (CAFC 1984)). This has been interpreted to mean that there must be a reasonable intrinsic or extrinsic justification for the proposed combination of references in order to properly reject the claims of an invention. The examiner must propose some logical reason apparent from the evidence of record that justifies his combination or modification of the references (*In re Regel*, 188 U.S.P.Q. 132 (CCPA 1975)). Therefore, it is important in the instant situation to examine whether or not there exists a reasonable intrinsic or extrinsic justification for the proposed combination of references.

As noted above, independent Claims 15 and 20 have been amended to include additional elements. It is respectfully submitted that a person of ordinary skill in the art would not combine Edwards *et al.* and Chang. Edwards *et al.* discloses a headrest with a waste container assembly fitted into the back of the headrest. A housing 14 is attached to a pillow section 16. The housing 14 is attached to mounting clips 18 and 20 and takes up the entire back space of the headrest. Chang discloses a headrest that has a L-shaped board 20 inserted into the back portion of the headrest for adjusting the space between the positioning rods.

To combine Chang and Edwards *et al.*, a person would have to insert the L-shaped board into the waste basket section of the headrest thereby preventing someone from using the waste basket for its intended purpose. A person of ordinary skill in the art would not relocate the L-shaped board into the front or pillow section because that would make the pillow portion obsolete for its' intended purpose of providing comfort.

Yamashita discloses a mounted headrest that allows for a change of angle relative to the seat back. Yamashita does not disclose a support surface as in the present invention. Yamashita discloses a boot structure 9 attached to a core structure 1 by adhesive. The boot structure is made of an elastomeric material that protects the tilting mechanism from dust (Col. 3, lines 48-49), and helps smoothly carry out the pivoting movement of the headrest (Col 3, lines 54-56).

The boot structure 9 does not support a peripheral device. As such a person of ordinary skill in the art would not combine the boot structure and adhesive to Edwards *et al.* to create the present invention.

The Applicant submits that by this amendment he has placed the case in condition for immediate allowance and such action is respectfully requested. However, if any issue remains unresolved, Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,



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